

Application/Control Number: 09/913,426  
Art Unit: 3721

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**DETAILED ACTION**

1. This action is in response to applicant's amendment filed 4/22/2003.
2. Claim 9 has been cancelled.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Cariati ('596).

Cariati discloses a fastener delivery tube 104, fasteners 102, a setting tool 103, connected to a source of pressurized gas 116, a scalable passage 12,13 the pressure of the pressurized gas being 2 bar or less (col. 5, lines 5-10), the path of the gas is coaxial with the longitudinal axis of the tube (Fig. 4, col. 2, lines 45-67 and col. 3, lines 1-15), a scalable passage gate or ball valve 13a, 51, and a gas cushion formed around the fastener (Fig. 2), delivery tube has external features (Figs. 2 and 3).

***Claim Rejections - 35 USC § 103***